

Senate Bill 650

By: Senator Mullis of the 53rd

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 41 of Title 43 of the Official Code of Georgia Annotated, relating to residential and general contractors, so as to revise a definition; to extend the date by which persons must apply to be licensed without examination; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 41 of Title 43 of the Official Code of Georgia Annotated, relating to residential and general contractors, is amended by striking paragraph (9) of Code Section 43-41-2, relating to definitions, and inserting a new paragraph (9) to read as follows:

"(9) 'Residential contractor' means any contractor who may contract for, undertake to perform, submit a bid or a proposal or otherwise offer to perform, and perform any activity or work as a contractor requiring licensure under this chapter for a fixed price, commission, fee, wage, or other compensation or who undertakes any activity or work on his or her own behalf or for any person or business organization that is not licensed as a licensed residential contractor pursuant to this chapter where such activity or work falls into the category of residential-basic contractor or residential-light commercial contractor as defined in this Code section and where the ~~total~~ value of the ~~work or activity~~ labor or of the compensation to be received by the contractor for ~~such activity or work~~ labor only, whichever is the higher, exceeds ~~\$2,500.00~~ \$5,000.00. The term 'residential contractor' shall include both a residential-basic contractor and a residential-light commercial contractor, except where otherwise expressly stated. The work or activity performed by a residential contractor may include within its scope any work requiring licensure under Chapter 14 of this title; provided, however, that any work contractually undertaken by a residential contractor in the nature of electrical contracting, plumbing, conditioned air contracting, low voltage contracting, or utility contracting which falls within the licensing

1 requirements of Chapter 14 of this title may not be performed by the residential contractor
2 but shall only be performed by a person who is duly licensed to perform such work under
3 Chapter 14 of this title."

4 **SECTION 2.**

5 Said chapter is further amended by striking subsection (a) of Code Section 43-41-17, relating
6 to the effective date of licensing and sanctioning provisions, and inserting in lieu thereof a
7 new subsection (a) to read as follows:

8 "(a) The licensing requirements imposed by this chapter and the sanctions and
9 consequences relating thereto shall not become effective and enforceable until July 1, 2007.
10 On and after such date, no person, whether an individual or a business organization, shall
11 have the right to engage in the business of residential contracting or general contracting
12 without a current, valid residential contractor license or general contractor license,
13 respectively, issued by the division under this chapter or, in the case of a business
14 organization, unless such business organization shall have a qualifying agent as provided
15 in this chapter holding such a current, valid residential contractor or general contractor
16 license on behalf of such organization issued to such qualifying agent as provided in this
17 chapter. Notwithstanding the foregoing, persons seeking licensure under this chapter and
18 exemption from examination under paragraphs (1) and (2) of subsection (a) of Code
19 Section 43-41-8 shall submit their applications, including all necessary proof of the basis
20 of exemption from examination for such license, starting January 1, 2006. The period for
21 submission of such applications and requests for exemption from the examination
22 requirements shall extend thereafter for a period of ~~six~~ 12 months. Furthermore,
23 notwithstanding the foregoing, any person seeking licensure under this chapter and
24 exemption from examination under paragraph (3) of subsection (a) of Code Section
25 43-41-8 may submit his or her application, including all necessary proof of the basis of
26 such exemption starting July 1, 2006 and continuing thereafter."

27 **SECTION 3.**

28 This Act shall become effective upon its approval by the Governor or upon its becoming law
29 without such approval.

30 **SECTION 4.**

31 All laws and parts of laws in conflict with this Act are repealed.